

Minutes
Bar Harbor Planning Board
March 4, 2009
Council Chambers – Municipal Building
93 Cottage Street

I. CALL TO ORDER — 6:05 p.m.

Members present: Kevin Cochary, Vice-Chair; Lynne Williams, Secretary; Dave Bowden, Member; Buck Jardine, Member. Also present: Anne Krieg, Planner; Kris Hultgren, Staff Planner

II. EXCUSED ABSENCES

Mr. Bowden moved to excuse Ms. Stevens-Rosa from the meeting. Mr. Jardin seconded and the Board voted unanimously to approve the motion.

III. ADOPTION OF THE AGENDA

Mr. Bowden moved to rearrange the order of the agenda so that the Board heard item V.C before V.B. Ms. Williams seconded and the Board voted unanimously to approve the motion.

Mr. Bowden moved to adopt the agenda as changed. Mr. Jardin seconded and the Board voted unanimously to approve the motion.

IV. APPROVAL OF MINUTES

Mr. Bowden moved to approve the minutes from the February 4 meeting. Ms. Williams seconded and the Board voted 3-0 to approve the motion with Mr. Jardin abstaining.

V. REGULAR BUSINESS

- A. Continuation of a Public Hearing – SD-07-08 – Seabury Woods**
Project Location: Seabury Drive, Bar Harbor Tax Map 207, Lot 32
Applicant: Tranquility Bond, LLC
Application: Proposes a 7 lot residential subdivision

Mr. Bowden asked to address some of the outstanding issues of the application.

Mr. Bowden addressed the issue of whether the road is non-conforming or not.

The Board discussed whether the road is non-conforming or not.

Mr. Jardin asked about the history of the subdivision. Ms. Krieg briefed the Board on the history of the subdivision.

The Board discussed how to approach deciding if the road is non-conforming or not.

Mr. Cochary opened the public hearing for comments specifically about the issue of whether the road is non-conforming or not.

Greg Moore, a resident of Seabury Drive, commented that he feels the road is non-conforming.

Ruth Calais, an abutter to the project, noted the safety issues with the way the road is currently designed and noted she feels the road is non-conforming.

Alison King, representing the applicant, mentioned that previous subdivisions on Seabury Drive were approved without a modification of standard for the road width.

John Kelly, an abutter to the project, asked if it is appropriate for the Board to make a vote offering their opinion about whether the road is non-conforming or not.

Karen Moore, Seabury Drive resident, noted some history of the subdivision including the Dawes subdivision.

Greg Moore, Seabury Drive resident, commented about the definition of a non-conforming road.

Ms. King commented about the definition of a non-conforming road.

Ms. Calais commented about the safety of the road.

The Board discussed the road.

Mr. Bowden moved to decide that Seabury Drive is not a non-conforming road because it was allowed under a modification of standard by a previous Board. Mr. Cochary seconded. The Board discussed the motion. The motion failed 2-2 with Ms. Williams and Mr. Jardin voting no.

The Board continued to discuss the project.

Mr. Coplon asked the Board to reach closure at the next meeting.

Mr. Bowden moved to continue the public hearing to the March 18 meeting. Ms. Williams seconded and the Board voted unanimously to approve the motion.

C. Public Hearing – SD-08-01 – Foxfields Farm

Project Location: 47 Foxfields Farm Road, Bar Harbor Tax Map 226, Lot 9

Applicant: Linda Hirsch

Application: Proposes a 6 lot residential subdivision

Mr. Coplon, representing the applicant, gave an overview of the project.

Mr. Cochary reviewed the new Modification of Standard submission.

Mr. Coplon noted the extensive stormwater review that was done for the project.

Ralph Calderon, an abutter to the project, asked about maintaining the stormwater infrastructure and Mr. Coplon noted the issue is addressed in the Home Owners Association. The Board discussed stormwater issues.

Mr. Calderon asked about the number of residential dwellings allowed on the property and if that could be restricted somehow. Mr. Coplon noted the applicant's willingness to restrict future subdivision of the land but did not want to recommend to his client that she limit the number of dwelling units allowed.

Mr. Cochary asked about the 12 foot turnaround off of Foxfields Farm Road and whether the Fire Chief had signed off on the part that was 12 feet. Mr. Coplon said he would check with the Fire Chief.

Mr. Cochary opened the hearing to the public. There was no public comment.

Ms. Williams moved to close the public hearing. Mr. Jardin seconded and the Board voted unanimously to approve the motion.

Mr. Bowden moved to approve the applicant's request for a Modification of Standard for the width of Foxfields Farm Road and Cove View Road based on the Fire Chief accepting the width of the road as adequate for safety reasons and contingent on the width of the turnaround on Foxfields Farm Road being acceptable to the Fire Chief. Ms. Williams seconded and the Board voted unanimously to approve the motion.

Mr. Bowden moved to approve the application with the conditions that before any permit is issued for lots 1 through 4 the stormwater construction will commence and be completed before any other building permits are issued and that the Fire Chief signs off on the width of the turnaround on Foxfields Farm Road. Ms. Williams seconded and the Board voted unanimously to approve the motion.

B. Continuation of a Public Hearing – SD-07-10 – Eventyr Woods

Project Location: Eagle Lake Road, Bar Harbor Tax Map 107, Lot 1

Applicant: Robert Juliano

Application: Proposes a 44 lot residential subdivision

Jeff Allen, representing the applicant, gave an overview of the project and the changes to the plan since the last meeting.

The Board discussed the grade of Eventyr Road.

Ms. Williams asked if there is a deer wintering area on the property. The applicant noted that a review of deer wintering areas on the site is required for a Site Location of Development and they received a permit with a sign off from Inland Fisheries and Wildlife.

Mr. Cochary asked Mr. Bradstreet from Oak Engineers, the firm that peer reviewed the applicant's stormwater modeling, to review his report. Mr. Bradstreet reviewed his findings and noted that the applicant addressed the concerns he had with their updated plan.

The Board continued to discuss stormwater issues.

Ms. Williams asked Mr. Bradstreet to comment on the deer he observed on the property.

Mr. Bowden asked about Acadia Park requirements for clearing areas and whether it posed a fire hazard. The applicant referenced the SLOD permit issues by DEP that addressed the issue.

The Board discussed sidewalks.

Mr. Bowden asked that an outside engineering firm be hired to oversee the construction of the infrastructure.

Ms. Williams moved to continue the application to the March 18 meeting. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

VI. OTHER BUSINESS

- A. Vicki Hall Subdivision SD-08-04 – A request by the applicant to discuss wetlands on the property.

Ms. Krieg described the applicant's request for feedback from the Board about the issue of wetlands on the property.

Mr. Cochary noted his employment with the Acadia National Park Service and the Park Service's submissions to the record on the application.

The Board discussed if Mr. Cochary should recuse himself from the application.

Mr. Bowden moved to ask Mr. Cochary to step down from this application. The Board discussed. Jardin seconded. The Board voted 2-1 to approve the motion with Ms. Williams voting no.

Ms. Williams noted that the applicant, Vicki Hall, is her banker. The Board discussed the issue.

Mr. Bowden moved to not require Ms. Williams to step down from the application. Mr. Jardin seconded and the Board voted 2-0 to approve the motion.

Mr. Musson, representing the applicant, gave an overview of the project and described the issues with the wetland. Mr. Musson asked the Board to clarify whether it felt wetland A was contiguous or not.

The Planning Board reviewed the wetlands.

Mr. Musson noted that the project is not in a significant wildlife habitat.

VII. PLANNING DIRECTOR'S REPORT

Ms. Krieg updated the Board on the possible Hannaford project in Town Hill.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Ms. Williams raised the issue of paperless applications. The Board and Ms. Krieg discussed the how this might happen.

IX. ADJOURNMENT – 10:10

Mr. Bowden moved to adjourn. Mr. Jardin seconded and the Board voted unanimously to approve the motion.

Signed as approved:

Lynne Williams, Secretary
Planning Board, Town of Bar Harbor

Date